

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA**

IN RE:)
CAMP LEJEUNE WATER LITIGATION) Case No: 7:23-cv-897
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)
This Document Relates To: *ALL CASES*) JOINT MOTION TO AMEND PRETRIAL
) SCHEDULING ORDER [DE-414]
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Pursuant to Federal Rules of Civil Procedure 6(b)(1) and 16(b)(4), the Plaintiffs' Leadership Group ("PLG") and Defendant United States of America (collectively, "the 'Parties'"), jointly move the Court to amend the June 25, 2025 Pretrial Scheduling Order [DE-414]. The Parties seek to amend this order to extend the time for the Parties to (1) complete previously allowed fact discovery related to the Parties' offset information and potentially corresponding damages information, (2) serve Phase III expert reports related to damages and offset information, and (3) complete Phase III expert depositions for all Track 1 Trial Cases related to the Parties' life care planning, home renovation, damages, and offset experts.

The Parties' dispute regarding the timing and scope of the government's disclosure of offset-related information ("Offset Information") and its impact on the Plaintiffs' damages presentations has been the subject of multiple meet and confers and is referenced in the Joint Status Reports beginning May 14, 2025 [DE-383]. These issues have also been discussed in the Court Status Conferences beginning with the May 21, 2025 Status Conference. In order to avoid the time and expense of engaging in motions practice on these disputed issues, the Parties submitted a joint motion on June 24, 2025 [DE-413] setting forth a proposed schedule with respect to discovery related to Offset Information and to request a separate discovery "Track" for this information. The Court subsequently granted this motion and entered its

June 25, 2025 Order, which includes a fact discovery period for Offset Information to be completed by September 2, 2025 [DE-414].

As set forth in the Parties' June 24, 2025 Motion and the Court's June 25, 2025 Order [DE-413; DE-414], the United States was to (i) produce underlying offset data and materials from VHA (including IVC) TriWest, CMS, TRICARE and any other entity from which the government intends to utilize information to support its claimed offsets; (ii) work with those agencies to identify the individuals responsible for each agency's provided data and explanation, and (iii) provide those individuals for remote depositions in a manner that provided PLG sufficient time prior to each deposition to analyze the information pertinent to each deposition. This was to be completed by September 2, 2025. Thereafter, the PLG was then to produce amended damage assessment forms and expert reports on damages/offsets by no later than October 13, 2025; the United States was to produce expert reports on damages/offsets by no later than 45 days after PLG completes its production; and PLG was to produce rebuttal expert reports on damages/offsets by no later than 35 days after the United States completes its production. *[Id.]*.

Since the entry of the June 25, 2025 Order, the Parties have worked together diligently to try to meet the September 2, 2025 discovery deadline. However, some data from the Centers for Medicare & Medicaid Services ("CMS") was not produced by the government until August 25, 2025. Further, as allowed by the Court's Order, the PLG requested depositions of the individuals responsible for each agency's data and explanation. While some of those individuals were able to be presented for deposition by September 2, 2025, four individuals, due to the availability of counsel and witness, were unable to be presented for deposition until after September 2, 2025, with those depositions currently being scheduled through and including September 18, 2025. Thus, the completion of discovery is two weeks and two days behind the September 2, 2025 deadline contemplated by the Parties' prior joint motion [DE-413] and by the Court's June 25, 2025 Order.

[DE-414].

Because fact depositions are scheduled to occur over two weeks after the September 2, 2025 deadline, the period of fact discovery allowed by the Court's prior Order will not be completed within the time period established by such Order. The Parties therefore jointly seek to extend the deadlines established by that Order with respect to offset and damage discovery to accommodate the brief delay necessitated by the availability of data and witnesses. The Parties seek to extend those deadlines to allow for the completion of fact discovery to occur on **September 18, 2025**, in accordance with presently scheduled depositions, and as follows:

1. PLG will produce amended damage assessment forms and expert reports on damages/offsets by no later than **October 29, 2025** [current deadline is October 13, 2025].
2. The United States will produce expert reports on damages/offsets by no later than 45 days after PLG completes its production under #1 [by December 15, 2025 instead of December 1, 2025].
3. PLG will produce rebuttal expert reports on damages/offsets by no later than 35 days after the United States completes its production under #2 [by January 19, 2026 instead of January 5, 2026].
4. The Parties will complete expert discovery on damages/offsets by no later than 45 days after PLG completes its production under #3 [by March 5, 2026 instead of February 19, 2026].

This modification to the Court's current scheduling order is necessary to complete such discovery, and good cause exists for the requested amendment of the Court's order. The Parties therefore request that the Court's June 25, 2025 Pretrial Scheduling Order [DE-414] be amended as set forth herein to permit the Parties sufficient time to complete the offset and related damages discovery already allowed by prior order of the Court.

A proposed order is attached.

DATED this 15th day of September 2025.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that, on September 15, 2025, a copy of the foregoing Joint Motion to Amend Pretrial Scheduling Order [DE-414] was served electronically on all counsel of record in this matter through the Court's CM/ECF.

Dated: September 15, 2025

/s/J. Edward Bell, III

J. Edward Bell, III

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